

FILED

JAN 12 2023

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUGOSLAV VIDIĆ,

Defendant.

INDICTMENT

1:23 CR 0017
CASE NO.

Title 18, United States Code,
Sections 1546(a) and 1001(a)(2)

JUDGE RUIZ

GENERAL ALLEGATIONS

At all times material to this Indictment:

1. The Former Socialist Federal Republic of Yugoslavia (“Yugoslavia”) existed in eastern Europe from 1944 through 1991. Yugoslavia consisted of six republics, including Serbia and Croatia. Serbia was the largest republic and Croatia was the second-largest republic in Yugoslavia. Starting in 1991, several republics declared their independence from Yugoslavia, leading to armed conflicts that lasted until 1995.

2. When the armed conflict began, the population of the Republic of Croatia was primarily made up of two ethnic groups: ethnic Croats, who were largely Roman Catholic, and ethnic Serbs, who were mostly Orthodox Christian. In 1990, Franjo Tudjman (“Tudjman”) was elected President of the Republic of Croatia. Tudjman supported Croatian independence from Yugoslavia. The ethnic Serbs in Croatia generally opposed independence. On June 25, 1991, Croatia, led by Tudjman, declared its independence from Yugoslavia and organized its own military forces. The ethnic Serbs who opposed Croatian independence declared their own independent republic in areas they controlled, ultimately called the Republic of Serbian Krajina.

and organized their own military forces, ultimately called the Serbian Army of Krajina. Many units of the Yugoslavian People's Army ("JNA") supported the ethnic Serbs and eventually became part of the Serbian Army of Krajina.

3. Petrinja was a city located in central Croatia. In 1991, the population was estimated to be split almost evenly between ethnic Croats and Serbs. After Croatia declared its independence on June 25, 1991, fighting began between Croatian and ethnic Serb forces in the Petrinja area. On or about August 25, 1991, Tudjman visited Petrinja. While in Petrinja, he met with residents on the streets. One of these residents was Stjepan Komes ("Komes"), who worked at the Gavrilovic meat-processing factory in Petrinja. Television news coverage of the visit showed Tudjman shaking Komes' hand.

4. On approximately September 16, 1991, ethnic Serb military forces attacked Petrinja. This attack included seizing the Gavrilovic meat-processing factory in Petrinja. During the seizure of the Gavrilovic factory, ethnic Serb soldiers singled out Komes from a group of employees who were being detained by the soldiers in the factory and escorted him away at gunpoint. Komes was never seen alive again. Later, his children identified his body after it was exhumed from a mass grave in the Petrinja area.

5. After the September 16 attack and other attacks on Petrinja in September 1991, ethnic Serb military forces occupied the city, which remained near the front lines separating Croatian and ethnic Serb forces in Croatia. The Serb occupation lasted until August 1995. During the Serb occupation, almost the entire ethnic Croat population of Petrinja fled. Serbian Army of Krajina military forces were based in Petrinja during this period.

6. The Red Berets were part of the Serbian Army of Krajina. Members of the Red Berets received specialized training in military tactics, including engaging in acts of sabotage

behind enemy lines. Red Berets were placed in various Serb military units, including the 39th Reconnaissance-Sabotage Squad.

7. In August 1995, the Croatian army counter-attacked and swiftly captured Petrinja as part of a larger military operation to defeat the Serbian Army of Krajina in Croatia. The offensive resulted in the defeat of the Serbian Army of Krajina and the destruction of the Republic of Serbian Krajina. Many ethnic Serb residents fled Croatia after the offensive.

8. Defendant JUGOSLAV VIDIĆ was born in 1968 in Croatia, which was then a republic in Yugoslavia. Defendant served in the JNA from 1988 to 1989. In approximately 1991, Defendant was employed at the Gavrilovic meat-processing factory in Petrinja, Croatia. Starting in approximately the middle of 1991, Defendant served in ethnic Serb military units in Croatia that ultimately became part of the Serbian Army of Krajina, participated in attacks on Petrinja in September 1991, served in units that were stationed in Petrinja, and participated in other military operations.

9. Defendant received specialized military training and became a member of the Red Berets. During the period when ethnic Serb military forces occupied Petrinja between 1991 and 1995, Defendant served in the ethnic Serb military forces, including the Serbian Army of Krajina, and he was seen in Petrinja wearing a red beret and carrying a rifle. For at least part of this time, Defendant was assigned to a unit that specialized in reconnaissance and sabotage operations, the 39th Reconnaissance-Sabotage Squad. During his service, Defendant attained the ranks of sergeant and lieutenant.

10. On September 16, 1991, Defendant participated in the attack on the Gavrilovic factory by ethnic Serb military forces. Defendant singled out Komes and led him away at gunpoint.

11. In 1994, Defendant was charged by the County Court in Sisak, Croatia, with committing a war crime for his participation in the murder of Komes in Petrinja in 1991. On or about December 4, 1998, Defendant was convicted *in absentia* in Croatia of a War Crime Against the Civilian Population. On or about May 6, 1999, the Croatian Supreme Court affirmed Defendant's conviction.

12. On or about September 17, 1999, Defendant was interviewed by a U.S. immigration officer in Romania in connection with Defendant's application to become a refugee in the United States. During that interview, Defendant falsely stated that his only military experience was in Yugoslavia from 1988 to 1989.

13. On or about September 29, 1999, Defendant immigrated to the United States as a refugee.

14. On or about December 19, 2000, Defendant applied to become a lawful permanent resident of the United States. On the I-485 application to register permanent resident status, which he signed under penalty of perjury, Defendant made multiple material false statements and omissions, including:

- a. falsely stated that his only past military service was in the Yugoslav Army from 1988 to 1989, omitting his service in the Serbian Army of Krajina from 1991 to 1995;
- b. falsely stated that he had never "knowingly committed any crime of moral turpitude" for which he had not been arrested;
- c. falsely stated he had never "been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance;"

- d. falsely stated that he had not “through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity;” and
- e. falsely stated that he had never “engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion.”

15. On or about June 16, 2005, Defendant was interviewed by a U.S. immigration officer in connection with Defendant’s application to become a lawful permanent resident of the United States. During that interview, which was conducted under oath, Defendant made multiple material false statements and omissions, including:

- a. falsely stated that he had never “knowingly committed any crime of moral turpitude” for which he had not been arrested;
- b. falsely stated he had never “been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance;”
- c. falsely stated that he had not “through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity;” and
- d. falsely stated that he had never “engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion.”

16. On or about June 16, 2005, Defendant's application to become a lawful permanent resident of the United States was approved. In conjunction with becoming a lawful permanent resident, Defendant received an Alien Registration Receipt Card, which is commonly referred to as a "green card."

17. Defendant possessed the Alien Registration Card until on or about November 28, 2017, when Homeland Security Investigations ("HSI"), Department of Homeland Security, took possession of the Alien Registration Card.

18. On or about November 28, 2017, Defendant was interviewed by a Special Agent and another employee of HSI at his residence in North Royalton, Ohio, in the Northern District of Ohio. During this interview, Defendant made the following false statements:

- a. that he had not served in any military units other than the Yugoslavian Army from 1988 to 1989;
- b. that he was not present at the attack on the Gavrilovic factory in Petrinja, Croatia, on or about September 16, 1991;
- c. that he served in the Serbian Army of Krajina only involuntarily;
- d. that he served in the Serbian Army of Krajina for only eight months; and
- e. that he served in the Serbian Army of Krajina only as a soldier and not as a sergeant or lieutenant.

19. HSI was a part of the executive branch of the United States government.

COUNT 1

(Fraud and Misuse of Visas, Permits, and Other Documents, 18 U.S.C. § 1546(a))

The Grand Jury charges:

20. The factual allegations of paragraphs 1 through 19 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

21. From on or about June 16, 2005, through on or about November 28, 2017, in the Northern District of Ohio, Eastern Division, and elsewhere, Defendant JUGOSLAV VIDIĆ did knowingly possess an Alien Registration Receipt Card (commonly referred to as a “green card”), knowing it to have been procured by means of materially false claims and statements, in that in response to oral and written questions during his lawful permanent resident application, Defendant knowingly made the following materially false statements and omissions:

- a. falsely stated that his only past military service was in the Yugoslav Army from 1988 to 1989, omitting his service in the Serbian Army of Krajina and its predecessors from 1991 to 1995;
- b. falsely stated that he had never “knowingly committed any crime of moral turpitude” for which he had not been arrested;
- c. falsely stated he had never “been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance;”
- d. falsely stated that he had not “through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity;” and
- e. falsely stated that he had never “engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion.”

All in violation of Title 18, United States Code, Section 1546(a).

COUNT 2

(False Statements to Law Enforcement, 18 U.S.C. § 1001(a)(2))

The Grand Jury further charges:

22. The factual allegations of paragraphs 1 through 19 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

23. On or about November 28, 2017, in the Northern District of Ohio, Eastern Division, Defendant JUGOSLAV VIDIC knowingly and willfully made materially false, fictitious and fraudulent statements to a Special Agent of Homeland Security Investigations in a matter within the jurisdiction of the executive branch of the government of the United States, that is, Defendant stated:

- a. that he had not served in any military or paramilitary units other than in the Yugoslavian Army from 1988 to 1989;
- b. that he was not present at the attack on the Gavrilovic factory in Petrinja, Croatia, on or about September 16, 1991;
- c. that he served in the Serbian Army of Krajina only involuntarily;
- d. that he served in the Serbian Army of Krajina for only eight months; and
- e. that he served in the Serbian Army of Krajina only as a soldier and not as a sergeant or lieutenant.

when in truth and fact, as Defendant well knew, those statements to the Homeland Security Investigations Special Agent were false.

All in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL.

Original document - Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.